

**REMARKS**

This Application has been carefully reviewed in light of the Final Office Action mailed October 14, 2005 and Advisory Action mailed January 3, 2006. Claims 1-7, 9, 11-21, 23 and 24 were pending in this Application. Claims 1-7, 9, 11-21, 23 and 24 stand rejected. Claims 1, 13, and 17 have been amended. Applicants respectfully request reconsideration and favorable action in this case.

**Rejections under 35 U.S.C. §103**

Claims 1-7, 9, 13, 15, 17-18, 21 and 24 stand rejected under 35 USC §103(a) as being unpatentable over U.S. Patent 5,617,526 issued to Daniel P. Oran et al. ("Oran.") and U.S. Patent 6,002,398 issued to Daniel B. Wilson ("Wilson").

Claim 11 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Oran and Wilson, as applied to Claims 1 and 7 above, and further in view of U.S. Patent 6,385,662 issued to Billy Gayle Moon et al. ("Moon"). Applicants respectfully traverse and submit the cited art combinations, even if proper, which Applicants do not concede, does not render the claimed embodiment of the invention obvious.

Claims 12, 14-16 and 19-20 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Oran and Wilson, as applied to Claims 1 and 17 above, and further in view of U.S. Patent 5,689,416 issued to Takanori Shimizu et al. ("Shimizu"). Applicants respectfully traverse and submit the cited art combinations, even if proper, which Applicants do not concede, does not render the claimed embodiment of the invention obvious.

Claim 23 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Oran, Wilson, and Shimizu, as applied to Claims 17, 18, and 20 above, and further in view of Moon. Applicants respectfully traverse and submit the cited art combinations, even if proper, which Applicants do not concede, does not render the claimed embodiment of the invention obvious.

In order to establish a *prima facie* case of obviousness, the references cited by the Examiner must disclose all claimed limitations. *In re Royka*, 490 F.2d 981, 180 U.S.P.Q. 580 (C.C.P.A. 1974). Furthermore, according to § 2143 of the Manual of Patent Examining Procedure, to establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference

or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, not in applicant's disclosure. *In re Vaeck*, 947 F.2d 488, 20 U.S.P.Q.2d 1438 (Fed. Cir. 1991).

The Examiner stated in the Advisory Action that the independent claims do not include the functionality of a dynamic change with respect to the display of the indicator tabs. Applicants respectfully disagree. However, to further prosecution, Applicants amended the independent claims respectively to define this functionality more clearly. Claim 1 includes now the limitations of former claim 4 which has been cancelled. Thus, the indicator tab is only superimposed a system message has been created.

Furthermore, Claim 13 has been amended to include that each indicator tab is displayed with its original functionality, for example, an original icon or text or graphic symbol, etc. Only upon occurrence of an event, the tab is superimposed with another message indicator. Similarly, claim 17 has been amended to include the term "temporarily." This term and the dynamic functionality of the tabs is disclosed in the English specification, for example, in paragraph [0034]. No new matter has been added.

Wilson does not disclose a dynamic functionality as discussed in the last response to office action which is hereby incorporated by reference. Wilson merely discloses a program which shows indicator tabs that are static in their functionality. No superimposition takes place. Thus, all independent claims are allowable in view of the prior art. Applicants respectfully submit that the dependent Claims are allowable at least to the extent of the independent Claims to which they refer, respectively. Thus, Applicants respectfully request reconsideration and allowance of the dependent Claims. Applicants reserve the right to make further arguments regarding the Examiner's rejections under 35 U.S.C. §103(a), if necessary, and do not concede that the Examiner's proposed combinations are proper.

#### **Request for Continued Examination**

Applicants enclose a Request for Continued Examination (RCE) Transmittal, along with a check in the amount of \$790.00.

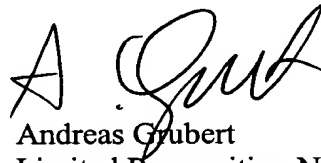
**CONCLUSION**

Applicants have made an earnest effort to place this case in condition for allowance in light of the amendments and remarks set forth above. Applicants respectfully request reconsideration of all pending claims.

Applicants believe there are no fees due at this time, however, the Commissioner is hereby authorized to charge any fees necessary or credit any overpayment to Deposit Account No. 50-2148 of Baker Botts L.L.P.

If there are any matters concerning this Application that may be cleared up in a telephone conversation, please contact Applicants' attorney at 512.322.2545.

Respectfully submitted,  
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Andreas Grubert  
Limited Recognition No. L0225  
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Date: January 17, 2006

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